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TO THE READER.

THE following pages embrace the substance of views contained in a letter written by a father to his son, from the Pacific. Further knowledge of the rapidly developing events of Administrative Usurpation led to its enlargement; and it is now published to gratify the wishes of friends who desire to possess copies of it.

1935

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REPUBLICAN IMPERIALISM

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THE momentous events that have transpired in our own land, the knowledge of which has burst upon me with such terrific suddenness and certainty ; and the horrid echoes of fraternal strife that roll across the continent, to stir here the deep emotions of the soul, and agitate the mind with the convulsive throes of dismay ; banish from thought surrounding attractions that would, under any other circumstances, hold the traveler with their flowery chain, and transport the whole moral being back to its native country. Country ! Have we any longer a country ? I do not mean land and a formulary of government, with its executive patronage, army, navy and varied instrumentalities of power which may become converted into agencies of tyranny. But have we the country bequeathed to us by our fathers ? An inheritance of freedom and constitutional rights ? Inalienable liberty guarded by law ? A government around which the confidence and the affections of all the people cluster ? The secession of States, the assumption of ungranted powers, and the adoption of a coercive administrative policy at Washington, give sad answer to the question. And resulting as these have in a civil war of more terrible proportions and disastrous results than any hitherto known to man, it becomes every heir of American freedom, wherever he may be, to discard all partialities and prejudices, resulting from merely sectional attachments and interests, and all considerations of past party affiliations ; and to examine the great political principles of government underlying and endangered by this contest, with reference to the determination of the duties devolved on him by varied responsibilities. I cannot disregard the imperiousness of this decision. Born in freedom, nurtured in freedom, and enjoying its boundless blessings through manhood, I know no other but the lesson it inculcates of cherishing it unimpaired for future generations. I have no heart for further narrative or for reflections on incidental topics. Nor could I put the tedious hours of a voyage to as good an account as in determining, if practicable, for your bene-

fit and mine, where lies our path of duty for the future, before mingling again with excited multitudes, and being thrown among the surging events that may influence judgment and unsettle convictions of right. To decide properly so momentous a question it should be done calmly. Reason should bear sway not passion. This is due to truth and to my influence over your destiny.

It is often the case that trifling causes lead to important results. I have no purpose by the remark, thus to distinguish those which have brought about our existing calamities. Whether these were trivial or important, just or unjust, enough or insufficient, to justify the course of action, which we now know eventuated in civil war, I shall not discuss. The want of access to historical records, and of time, as well as the desire to avoid all collateral considerations which might in the slightest degree warp the judgment of the one great vital question of political freedom, forbid it.

Regarding the vast involvement of the subject of government, and the mazes of the past through which its student is taught to trace it, ignorant of the *science of politics* as contradistinguished to that of government, and inexperienced in the *practices* of partizan politicians, I should venture on this theme with diffidence, did I not know that the Anglo-Saxon had cut the Gordian knot, unfolded the intricacies of falsehood and evolved the great truth of human right, which "is a lamp unto my feet and a light unto my path." And regarding, too, the announcements following each other in rapid succession, of arbitrary arrests and imprisonments, that have been made in disregard and violation of law, timidity might inculcate an avoidance of discussions that may possibly prove unacceptable to power, but that a proudly-inherited Anglo-Saxon fearlessness spurs a concealment of honest convictions. And even were this not so, I might claim the privilege of the Roman custom, of which we are told by Sir Robert Philips, and which on the occasion of an annual festival, conceded to *the slaves* without exception, the unrestrained liberty "to speak what they pleased, in order to ease their afflicted minds." But can it be that the rights of American citizens' "freedom of speech and of the press" guaranteed by the Constitution, have been violated by Executive authority? Can it be that American citizens have been degraded to the condition of slaves, as said by Sir Francis Seymour in the Parliament of Charles the First, "by allowing their liberty to be taken from them against the laws of the land?" Can it be that the occasion has arisen when all patriots should exclaim with the heroic Philips in the same Parliament, "I can live, though another who has no right be put to live along with me; nay, I can live, though burdened with impositions beyond what at present I labor under, but to have my liberty, which is the soul of my life, ravished from me, to have my person pent up in a jail, without relief by law,—O, improvident ancestors! O, unwise forefathers! to be so curious in providing for the quiet possession of our lands and the liberties of Parliament, and at the same time to neglect our personal liberty, and let us lie in prison, and that during pleasure, without redress or remedy! If this be law,

why do we talk of liberties? Why trouble ourselves with disputes about a constitution, franchises, property of goods, and the like? *What may any man call his own*, if not the liberty of his person? And if these reports be true, is there no true-hearted and fearless member of an American Congress who will rise in his place, and in imitation of the brave old Englishman in the Parliament of 1628, immortalize himself by saying "I am weary of treading these ways, and therefore conclude to have a select committee." Have we fallen on such degenerate times, that there is now no follower of bold Sir Thomas Wentworth, afterwards as the Earl of Strafford, "like the comet, beautiful and fierce, dashing athwart with train of flame" the eternal orbits of its golden and more harmonious associates to proclaim of "Ministers of State—these have ravished at once the spheres of all ancient government; destroying all liberty, imprisoning us without bail or bond. They have taken from us—what shall I say? Indeed, what have they left us? We must vindicate—what? New things? No, our ancient, legal and vital liberties; by reinforcing the laws enacted by our ancestors; by setting such a stamp upon them, that no licentious spirit shall dare henceforth to invade them."

It is a matter of interest to observe the extent to which the men of that epoch deemed an ardent love of liberty transmissible by inheritance; whether the opinion was correct or not to the full extent, events now occurring will show. It was shortly before the death of the second Charles, that the charter of the colony of *Massachusetts* was forfeited. A question arose how it was to be governed in future. The general opinion of the Board was that all power should abide in the crown. History informs us that "Halifax argued with energy against absolute monarchy, and in favor of representative government. It was in vain he said, to think that a population sprung from the English stock, and animated by English feelings would long bear to be deprived of English institutions. Life, he exclaimed, would not be worth having in a country where *liberty* and property were at the *mercy of one despotic master*." If this be true, what means it that Fort Warren in Boston harbor is said to have been converted into a Bastille by despotic power? Or can it be that *Massachusetts* while always prompt to vindicate the personal liberty of her own sons, is ready to become the jailor of others?

Surely it will not be maintained that the President of the United States can exercise powers exceeding those of the British Monarchy. Charles the First was tried, condemned, and beheaded for that, being "*intrusted with a limited power*, yet nevertheless from a wicked design to *erect an unlimited and tyrannical government*, he had treacherously levied war against the people, and was therefore impeached as a tyrant, traitor, murderer, and a public and implacable enemy to the commonwealth."

Has it come to this in America, that the constitutional guards of the citizens' rights, "his security against searches and seizures without warrant, supported by oath or affirmation," his exemption from being "held to answer for a crime unless on a presentment of a grand

jury," and not to be "deprived of life, liberty, or property, without due process of law;" his privilege of "a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed," and to be "informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense;" his title to "the privilege of the writ of habeas corpus," the suspension of which is not enumerated under the specially granted Presidential powers, and from the stay of which the President is therefore precluded; *has it come to this*, that these rights of the citizen, guaranteed to him by the hitherto inviolate provisions of the Constitution, have been trodden under foot by the Executive? *If so*, then may we exclaim with the English Minister of the stormy period when human freedom was struggling to maintain itself against the encroachments, of tyranny, "life is not worth having, in a country where liberty is at the mercy of a despotic master." *If so*, our vaunted republican government is a *cheat*, and our boasted constitutional liberty a *lie*; for a free government, in which every individual is subject to the arbitrary will and power of another, in which every citizen is a slave, is a glaring contradiction. *If so*, either the founders of this republic betrayed their trust, or he who was elected to administer its government, and has sworn to defend the Constitution, which "intrusts him with a limited power," has, like Charles the First, formed a "wicked design to erect an unlimited and tyrannical government," and like him deserves to be impeached as "a tyrant, traitor, murderer, and a public and implacable enemy to the commonwealth." *If so*, the day will come when the people of the United States will read with amazement the history of present violations of personal liberty, and of Executive usurpation and oppression, and blush to know that they, or their ancestors, through fanaticism, partisan passion, sectional animosity, servility, mercenary interest, or tame submission, had disregarded the tyranny which wielded its most potent engine of arbitrary arrest and prolonged imprisonment openly and unchallenged, crushing the erect and independent spirit of freemen with the silence, the gloom, the damp, the deprivations and the sufferings of a cell or a casemate; and who thus sanctioned the precedent of future invasion of constitutional rights, and possibly the entire overthrow of all the bulwarks of both political and personal liberty. *And if so*, to write as I write to you—if it be also true, as believed, that the sanctity of private correspondence is deliberately violated by public authority—is to dare illegal arrest and punishment in the hideous form of irresponsible military despotism. Be it so. God forbid that I should set you the base and craven example of mortgaging an atom of the independence and constitutional liberty, consecrated by the blood of our fathers, by even the submission of silence to tyranny! Depend upon it, that, that man is the happiest, both here and hereafter, who carries with him to his final account the consciousness of having neither violated nor forfeited a *right*—neither in *thought* nor *deed*; for if mind be

immortal thought is the record of immortality. Be assured that if, on landing in the United States, I should be dragged to the vaults of Fort Warren, or Fort Lafayette, the names of which have been profaned by the base uses to which they are now converted, or to that other, Fort McHenry, along whose battlements the strain of that national anthem, dedicated to its flag by Southern genius, now echoes as if in derision, I shall enjoin you to "stand fast in the liberty where-with you have been made free, and be not entangled again with the yoke of bondage."

Like the germ, borne by the winds of heaven to the rocky cleft, responds there to its living principle; walled in by crag, choked by accumulating debris, shut in by gloom, and writhing, twisting, and struggling, towards the open sunshine and clear sky; so the principle of human right inculcating freedom from arbitrary power, and equality before the law, long hidden from man, was sown in the rude breast of the Saxon; and there grew through ages of darkness, and against the fierce resistance of tyranny to maturity and general recognition.

The manifestation of the principle of personal right is clearly seen in the earliest Anglo-Saxon history in the numerous divisions and subdivisions of government, all tending to the recognition of responsibility, and promotive of the people's welfare. And although the Norman Conqueror of England sought to obliterate the local exercise of authority, local freedom, energy, activity, and sense of independence, and to centralize all power in one irresponsible head, yet in the second reign after, Henry the First, sensible that his crown sat unsteady on his head, resolved to gain the affections of his subjects by concessions to their prejudices, and by the promise of "a general confirmation and observance of the laws of King Edward," the Confessor, whose great virtue it had been to administer justice according to the old Saxon law, and for that purpose to compile a body of such, from the laws of Ethelbert and Alfred. Having accomplished his object of deluding the people by specious promises, and exposing copies of his charter to public view, we are told, that Henry was faithless to the observance of his engagements. Grievances remained unredressed, and the royal authority and usurpations were unrestrained. And such violations of popular rights, continuing during the reigns of the succeeding century and until the year 1215, the English Barons, weary of oppression, assembled in London, and demanded of King John, that, in fulfilment of "his oath, and in deference to their just rights, he should grant them a renewal of Henry's charter, and a confirmation of the laws of St. Edward." The King refused to grant their demands, but found himself obliged at last "to submit at discretion; and at Runnymede, ever since celebrated on account of the great event, the famous deed, called the *Great Charter*, was granted, securing important liberties and privileges to every order of men in the kingdom." With the concession of privileges to the Barons were comprehended many of great importance to the people; among which were, that "Courts of Justice should be open to every one; and justice shall no longer be sold, refused or delayed, and no freeman shall be taken, or imprisoned, or

dispossessed of his free tenement and liberties, or outlawed, or banished, or otherwise hurt or injured, unless by the legal judgment of his peers, or by the law of the land."

Thus, after centuries of obstinate resistance to despotic encroachment, and resolute perseverance to secure an acknowledgment, and legal guards for their rights, the people hailed, in the articles of Magna Charta, the chief objects of long years of aspiration.

But as all the Kings of England had availed of the *usurper's plea of necessity*, or expediency, to disregard, at times, the requirements of the Charter, although, as the historian informs us, "our generous ancestors got the confirmation reiterated thirty-seven times," and as Charles the First had in repeated instances violated it, the House of Commons, declaring that the English had ever been free, and ever been governed by law, and a limited constitution, resolved on a "Petition of Right," implying thus an affirmation of the ancient constitution and liberties. The King endeavored to elude the petition; and finally, when adopted by the two Houses, and called on to pass upon the bill, he sought to evade its force by a vague response. But the English Parliament of that day were neither to be duped nor defeated. Of sense and nerve sufficient to fit its members for their high functions, as conservators of the people's rights, they prosecuted their purpose of securing for these entire safety, and the royal sanction rewarded their firmness in the memorable words, "Let it be a law, as is desired." Thus is seen by this enforcement of assent to the "Petition of Right," the attainment of an additional security to the liberties of Englishmen. But it is not surprising, considering the reluctance with which the Prince conceded the demand of his subjects, that he should, with the power still inherent in the crown, have availed of an early opportunity to disregard his engagements. And it has been truly said that such "opportunities often occur in the course of human affairs. Governments, especially those of a mixed kind, are in continual fluctuation; the humors of the people change continually from one extreme to another," and afford the chances and the excuses for interference and encroachment of power. These, however, are not always indulged in with impunity, and such was the case with the unfortunate Charles, for his disregard of law and trespass upon popular rights cost him his head. Nevertheless, the English guardians of the personal safety of the subject considered that one more act was necessary to effect its perfect security. "The Great Charter," we are told by the English historian, "had laid the foundation of this valuable part of liberty; the Petition of Right had renewed and extended it; but some provisions were still wanting to render it complete and prevent all evasion, or delay, from ministers or judges. Hallam, also, in his Constitutional History of England, says: "It was not to bestow an immunity from arbitrary imprisonment, which is abundantly provided for in Magna Charta (if, indeed, it were not much more ancient,) that the statute of Charles the Second was enacted, but to cut off the abuses by which the government's lust of power, and the servile subtlety of crown lawyers, had impaired so

fundamental a privilege." The passage of the act of *Habeas Corpus*, in 1678-79, during the reign of the second Charles, secured these objects. By it, "no judge, under severe penalties, can refuse to a prisoner a writ of habeas corpus, by which the jailor is directed to produce in court the body of the prisoner, and to certify the cause of his detainer and imprisonment. And under that act every prisoner must be indicted the first term after his commitment, and brought to trial in the subsequent term. And no man, after being enlarged by order of the Court, can be recommitted for the same offense."

Such is the absolute security thrown around the British subject at this day against arbitrary imprisonment. And such security for the citizen was contemplated by the provisions of the Constitution of the United States, but it has been left for the present Executive term to reveal the fact, that in an *American Republic* there is a "higher law" than the Constitution, and that is the arbitrary power *unknown to a British Monarchy*. It is a sore affliction to some of us to be debarred the privilege of standing by the side of our English cousins, and contemplating the writ of habeas corpus which has hitherto shielded us against oppression, saying with accustomed complacency to other nations, "Stand by thyself, come not near to me, for I am holier than thou."

In saying that such is the security of the British subject at this day against arbitrary imprisonment, it is not designed to imply that no attempt was made in England after its passage to invade the sanctity of the law, and of personal liberty. James the Second, the successor of him whose reign was signalized by the great achievement of human right, blinded by the prevalent idea of monarchists of his divine authority, lost sight of the fundamental principles on which his throne actually rested, and seeking to subvert law and liberty, and make these dependent on his sovereign will and pleasure, was dethroned by an incensed people.

This indication of popular right resulted in its firmer establishment; and in the *assertion of another*, which has not failed to shake with its echoes the thrones of tyrants, through all generations, since the voice of the people proclaimed it. For the revolution of 1688 not merely settled the national policy, that the popular principle of government should not be destroyed by the monarchical, but in fact determined its dominance. And in the *people's invitation* to William and Mary of Orange to the throne, with a "declaration of rights" affirming the fundamental laws of the realm, and setting forth *legislative supremacy* and freedom of the humblest subject *from arbitrary imprisonment*, we recognize the disrobing of royalty of those mysterious attributes of "divine right," and perpetuity, with which it had been before invested. Thus is traced the dim and uncertain twilight of Anglo-Saxon freedom, its gradual increase, and risen sun, not since darkened by despotism. And to this source is due the principle of self-government which animates American institutions, and inspires our people with an inextinguishable love of liberty.

The dethronement of a British monarch, for a violation of popular rights, and the selection of another agent by the people to execute their behests, were the first breathings of the inherent rights of man, afterwards more loudly and defiantly proclaimed by the founders of American Independence, that, "governments derive their just powers from the *consent of the governed*, and that whenever *any form of government* becomes destructive of the ends (for which it is established) it is the *right of the people to alter or abolish it*, and to institute *new* government, laying its foundations in such principles and organizing its powers in such form, as to *them* shall seem most likely to effect their safety and happiness." It has ever been a cause of reproach to our British ancestors that while thus for centuries sternly and unremittingly engaged in developing and finally establishing just principles of government in the mother country, they should have refused to concede the application of these to their American colonies. But inconsistency seems to be inseparable from human nature; and so too, we are now illustrating the truth of the remark, in that, while we have plainly seen the "mote in our brother's eye," many are unable to see the "beam in our own eye," as shown by passing events.

To the support of the declared rights of self-government above quoted, our fathers in 1776, pledged their lives, fortunes and sacred honors; and as if to give it universal recognition and perpetuity, each succeeding anniversary of its commencement has been celebrated over the length and breadth of the land, by rejoicings, and by renewed pledges to maintain the great truth it proclaims. To deny it would be like turning back in the path of progress. The indisputable independence of the colonies of each other, at the time of their determination to shake off the authority of the mother country, made an agreement of common defense necessary; and hence the Congress of Deputies representing thirteen independent colonies, clothed with discretionary powers to "concert, agree upon, and prosecute" measures necessary to secure their safety, undertook by the exercise of both legislative and executive powers, the management of the war with England. The instrument was found inconvenient and inefficient in the working, and other means were sought, which resulted, in 1781, in the adoption of the "Articles of Confederation and Perpetual Union." A few years' experience with the latter showed such imperfections, and want of adaptation to the necessities especially of executive government, revenue, and uniform commerce, that a convention of delegates from twelve states—Rhode Island not participating—assembled in 1787 under the Presidency of Washington, and *annulled* the Articles of Confederation, which by its thirteenth section had provided for a *perpetual* Union, by the adoption of a Constitution for the United States of America, under which the government now professes to be administered.

Here, then, is seen the manner in which the political edifice of the United States was built so far as concerns their exterior relations. The Declaration of Independence is the essential foundation, on which the superstructure stands. The Articles of Confederation first erected

thereon, not fulfilling the purposes for which they were designed, were displaced by the Constitution, but without removing the corner stone of asserted right of *self-government*.

It is plain that to these two sources, the Declaration of Independence, and the Constitution, must we look for the political principles, political rights, and political obligations, when questions involving these, and the perpetuity of free government, are to be decided. The war of the American Revolution was not *for* Union, but *against* Union—"to dissolve the political bands which connected them with another"—and to establish, as it did, *independent States*. In the words of the Great American Charter, the Colonies were solemnly declared "absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, *as free and independent States*, they have full power to levy war, conclude peace, *contract alliances*, establish commerce, and do all acts and things which *independent States* may of right do." And making good the right to dissolve a "political connection," to "form new government," and to "contract alliances," which was conceded by the Treaty of Peace in 1783, wherein Great Britain acknowledged the thirteen Colonies, *by separate name*, "to be *Free, Sovereign, and Independent States*." They then proceeded to adopt other measures considered proper for the welfare of each and all. The breath of political life was thus breathed into these hitherto inert dependencies. *Each* became a *free, sovereign, and independent State*, and proceeded of its own volition, unawed by power, unconstrained by coercion, to exercise one of the expressed attributes of its sovereignty. And how sublime the spectacle presented to our contemplation by Rhode Island, a Northern State, the smallest of the new family of States, and North Carolina, a Southern State, standing calmly and fearlessly upon their independence, deliberately weighing, ere they determined, if it would be consistent with their safety and interest, to contract alliances with others. Great would have been the lesson for good, if, reading that page of our early history, some of the present generation had been taught the wisdom of concession and conciliation!

But sadly for mankind, and the influence over their destiny of our example, these misguided men have failed to appreciate justly the truth, that the United States are an assemblage of nationalities, each possessing a distinctive sense of individuality; of organic and statute law; legislative, judicial, and executive functions; sectional character and views, social and domestic being; and that these, born of acknowledged independent sovereignty, have become strengthened by the free exercise of this, for three quarters of a century, in all but a few delegated, carefully specified and limited powers; over which, however, it has continued to exercise a constant and jealous supervision. And they have also unhappily disregarded, or not recognized, what to others has been palpable, that, if the continuance of political slavery could not be endured by a disfranchised colonial dependant of monarchy, the attempt to exercise compulsory authority over a State claiming to exercise its sovereign and inalienable right to "dissolve its political bonds, and institute new government," and the purpose to "teach bloody instruction" to a free people, would be the signal of a popular uprising and resistance that would know no rest but in triumph or extermination.

Let us proceed further in the examination of the application of the great principle of self-government which had been vindicated, and of the development of our peculiar political system, to which it led. As has been stated in consequence of defective executive machinery, judicial, revenue and commercial regulations provided by the Articles of Confederation, they were supplanted by a

Constitution which conferred some additional grants of power; the chief provision however being an Executive independent of the clumsy agency of Congress, to act in specially designated, and limited cases. But it is necessary to notice some of the provisions of the compact of Confederation the better to understand the independence of the States, and the motives by which the several parties were governed in making the agreement. And it will be seen by reference to the first article in the Act, that "the style of this confederacy shall be the United States of America."

The assumption of consolidationists, that the adjective *United* in this Connection, implies an extinguishment of individuality, is refuted by its association which grants a *plurality of States*. But if this were not manifest, it would be made so by the second Article, which declares that "*Each State retains its sovereignty, freedom and independence.*" As to the motives which prompted the creation of the Confederation, and the objects to be secured thereby, these are plainly set forth in the third article, which says, "The said States hereby enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or *any* of them, on account of religion, *sovereignty*, trade, or any other pretext whatever." Look at the spirit which animates this article! A spirit of "friendship" not of *hatred*, forms a "league," each with the "other," not for their mutual *extinction and destruction*, but "for their common defense." "For the security of their liberties" not for their *enslavement*. "For their mutual and general welfare," not for the *injury and ruin*, of their dearest rights and interests. And they "bind themselves to assist each other against *all force*"—whether from without or within—"offered to, or attacks made upon them, or *any of them*, on account of religion, *sovereignty*, trade, or *any other pretext whatever.*" If language be taken as the representative of purpose, then, certainly, no warrant can be found in the above agreement, or any plea, for the exercise of violence or force, by any one or more States, towards any other State; on the contrary, if the "*sovereignty*" of any State were assailed, on "any pretext whatever," the other parties to the league were bound to defend it.

But the advocates of a Supreme centralized power, the destructives of old identity, which came of Saxon liberty and Saxon law; of chartered colony, and revolutionary right; may seek to dispose of the difficulty by saying, that the Constitution adopted in 1787, superseded the Articles of Confederation of 1781. This is not denied; and in conceding the fact, the occasion may be availed of to say, that it disposes of the pretense that a "perpetual union" was designed and agreed to; for, by the canceling of that compact, the "perpetual union" which it, and it only, provided for, fell to the ground.

Let us, then, look to the Constitution, for further light to guide us in the path of duty. It may be assumed that, its inculcations are not in conflict with the liberty and right of self-government, secured by the Great Charter of American Independence; if they were, they could not, *and should not*, receive the approval, and rule the conduct of the true patriot.

For what purpose was the Constitution of the United States adopted by them? The answer is declared by its preamble to be "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." This is the key to open the way to an understanding of the objects to be attained and to a just interpretation of the means proposed.

The Articles of *Confederation*, it will have been remarked, were also designated Articles of "Perpetual Union." The preamble of the *Constitution*, by its first clause states, that it is "to form a more perfect union"—the idea of *perpetuity* being ignored in that instrument by the failure to use the same, or any equivalent word, to that in the Articles of Confederation, implying a *continuance of the Union through all time*—as if the authors of the Constitution saw the absurdity of proposing such an obligation, in the face of the "*self-evident truths*" of the Declaration of Independence, that "governments derive their just powers from the consent of the governed, and that whenever any form of government becomes destructive of the ends (for which it is established) it is the right of the people *to alter or abolish it and to institute new government.*"

The perfection or completeness of the condition of the Union, was desirable, and provided for no doubt, as far as human foresight and wisdom, were equal to that task. But the same wisdom perceived, after the excitements of war had passed, and time was given calmly to deliberate upon and mature a form of government, that a proposal of perpetuity would not only be absurd in itself, but in conflict with the right to "alter and abolish" which they had previously announced, and vindicated; and hence, doubtless, the phraseology of the Articles of Confederation expressing "perpetual union," was rejected.

The formation of the American Union proceeded from an exercise of one of the express attributes of sovereignty claimed in the Declaration of Independence by the thirteen colonies—the right to "contract alliances." The Constitution of the United States is in truth but a treaty of amity, of defense, and offense, between the contracting parties, with certain stipulations deemed necessary to secure the objects designed. The Union formed by it was an "alliance" intended to secure the good of all the parties to it, and not the good of some of them at the expense of the rest, and the constitutional treaty which formed it was no more binding than any corresponding treaty between European nationalities. The express stipulations of such an agreement violated by one party, it is undeniable, releases the other parties to the compact from all obligation to observe it, and restores to them the just exercise of whatever partial functions they may for a time, and for a specified purpose, have surrendered.

Those who desire to see all the rights of the separate States absorbed by an unlimited central Government, assert that such violations the central Government alone can determine by its judicial tribunal. To this it should be sufficient to reply in the language of Mr. Madison, a chief author of the compact on which the present Government rests, "that the Constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. It adds to its stability and dignity, as well as to the authority of the Constitution that it rests on this legitimate and solid foundation. The States then being the parties to the Constitutional compact, it follows of necessity, that there can be *no tribunal above their authority to decide, in the last resort, whether the compact made by them be violated, and consequently, that as the parties to it, they must themselves decide, in the last resort,* such questions as may be of sufficient magnitude to require their interposition."

And Mr. Jefferson also said: "Our Government is based on the consent of the governed. To the compact each State acceded and is an integral party; the Government created by this compact was *not made the exclusive or final judge of the extent of the powers delegated to itself*, since that would have made its discretion and not the Constitution *the measure of its powers*, but that, as in all cases of compact among persons having no common judge,

each State has an equal right to judge for itself, as well of infractions as of the mode and measures of redress."

If such authority were not conclusive on this point, it might be further argued that the Judicial power provided by the Constitution applies only to cases "arising under the Constitution." How then are the questions to be decided outside of that instrument? For however great the wisdom and patriotism of our forefathers, surely it will not be pretended that they could look into the future of the country and provide for all the contingencies of its development. The difficulty of adjustment of powers especially, was referred to by Washington as President of the Constitutional Convention, in his letter to Congress, covering a report of their proceedings. He therein said: "It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits and particular interests." And with all the wisdom, ability and patriotism engaged in the preparation of the Constitution, thus transmitted to Congress, it was not found adapted to the then requirements of the country, and to allay the apprehensions of the people as to their rights, and the jealousy of the States as to their sovereignty, further guards were forthwith provided in the form of amendments. It is not surprising then, that, in the lapse of time which has probably quadrupled the territory of the United States, and increased its population from three millions to more than thirty millions; which has introduced an enormous foreign element of unassimilated political opinions, social and business habits, to those of our own people, unacquainted too with the history of our country, the ordeal of suffering and sacrifice through which it had passed, and the spirit of compromise, conciliation and concord which had come of these; and which suddenly released from the restraints of political slavery in Europe, was madened by the licentiousness of acquired freedom that made it the dupe of demagogues who cared not for the public peace so that their own selfish or wicked ends were promoted; which by multiplied and extended enterprises, personal, corporate and State, created interests aspiring to Government protection and patronage, while they developed a power to control them, and in various ways opened up new pursuits, developed sectional interests, and created antagonisms, parties and factions, animated and controlled by aught but the patriotic spirit and self-sacrificing devotion of the founders of the Republic; it is not surprising that under such circumstances questions might arise beyond human foresight, and not contemplated, therefore, as "cases arising under the Constitution," and upon which the authority of the Supreme Court of the United States could not be brought to bear. In fact, even in cases in which that Court may be supposed to have jurisdiction, such has been the character of resistance that its authority is a dead letter so far as its protection of right and enforcement of justice is concerned. Let us take an example. The second section of the fourth article of the Constitution provides that "No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." It is well known that laws were passed by Congress, known as fugitive slave laws, to make effective the above article. Over all questions arising under this article, and the enactments to enforce it, it would be supposed that the Supreme Court could exercise effective jurisdiction, if in any case. How stands the fact? I quote the deliberate legislation of Pennsylvania to answer the question. On the 31st March, 1860, that State passed the following law,

to wit: "No Judge of any of the Courts of this Commonwealth, nor any Alderman, or Justice of the Peace of said Commonwealth, shall have jurisdiction, or take cognizance, of the case of any fugitive from labor from any of the United States, or Territories, under *any Act of Congress*, nor shall any such Judge, Alderman, or Justice of the Peace, issue or grant any certificate or warrant of removal of any such fugitive from labor, under any act of Congress; and if any Alderman, or Justice of the Peace of the Commonwealth, shall take cognizance or jurisdiction of the case of any such fugitive, or shall grant or issue any certificate or warrant of removal, as aforesaid, then, and in either case, he shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, *be sentenced to pay, at the discretion of the Court, any sum not exceeding one thousand dollars.*" "*If any person or persons, claiming any negro or mulatto as a fugitive from servitude or labor, shall, under any pretence of authority whatever, violently and tumultuously seize upon and carry away to any place, or attempt to seize and carry away, in a riotous, violent, tumultuous and unreasonable manner, and so as to disturb or endanger the public peace, any negro or mulatto within this Commonwealth, either with or without the intention of taking such negro or mulatto before any District or Circuit Judge, the person or persons so offending against the peace of this Commonwealth shall be guilty of a misdemeanor; and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars; and further, to be imprisoned in the County Jail for any period at the discretion of the Court, not exceeding three months.*"

It is thus seen to be a crime in Pennsylvania to obey the Constitution of the United States, and that a citizen of another State seeking his fugitive from service in that State, according to the laws of the United States, if he should not lose his life from mob resistance, *as was the case with a citizen of Maryland*, would be almost certain to be fined and imprisoned. Massachusetts, Maine, Vermont, New Hampshire, Rhode Island, Connecticut, New York, Ohio, Michigan, Wisconsin, and Iowa, have spread upon their statute books laws analagous in principle with that quoted, deliberately designed to nullify the provision of the Constitution, and the acts of Congress passed in conformity thereto on this subject, and as effectually disabling the government from redressing the wrongs of the aggrieved citizen as if there were no constitutional compact whatever. These States have in fact and deed withdrawn their assent from the sole agreement which created a Union of States. In other words, *they are by act*, though not avowedly, *seceders*. And the conclusion to which every sane man must come, in view of such proceedings, is that of Daniel Webster, whose great mind refused to "penetrate the veil" of present misery and desolation, and who, in 1851, publicly proclaimed "that if the Northern States refuse wilfully and deliberately to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, the South would no longer be bound to observe the compact. A bargain broken on one side is a bargain broken on all sides." It is even so; violated faith has opened the door to the destroying angel, and the result is now felt in the shattered hopes of a once great and prosperous people. That result has actually come contemplated by Mr. Madison, in the Constitutional Convention, when he said: "Although all the States have assented to the Confederation, an infraction of any one article by one of the States is a dissolution of the whole. This is the doctrine of the civil law on treaties." The self-evident proposition that a Constitution designed to create a Union could not provide the means of its destruction, has been relied on by some advocates of a "strong hand and bloody purpose," to show that it cannot, and must not, under any circumstances, be dissolved. So far as human wisdom could, at

the time of its formation, propose means for its preservation, it was done. But competent and faithful administrators are as necessary to secure the beneficial objects of a trust as a suitable instrument creating it. Ignorant or wicked men may frustrate them. But if the argument be sound in regard to the Constitution of the United States, surely it is not less so in reference to the separate States that authorized and adopted it. It cannot be pretended that they provided thereby the means of their own destruction, and committed political suicide; consolidating their individualities and merging their thirteen sovereignties into one. If so, the "Stars and Stripes" falsify the fact; "the Bonny Blue Flag that bears a single star" would have been a more appropriate national emblem. Apart from the plurality idea of States which pervades every part of the Constitution, the tenth article of the amendments settles the matter conclusively—thus: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

If more proof were necessary to show that the sovereignty of the separate States was not parted with or imperilled by the Constitution, reference might be made to the proceedings of the federal convention for the formation of a Constitution. The "secret proceedings and debates of Yates and Lansing" informs us that Mr. Madison declared in that body, "I mean to preserve the State rights with the same care as I would trials by Jury." That Mr. Bedford of Delaware said: "That all the States at present are equally sovereign and independent has been asserted from every quarter of this House. Our deliberations here are a confirmation of the position." Mr. King of Massachusetts declared, "I am in sentiment with those who wish the preservation of State Governments, but the General Government may be so constituted as to effect it. Let the Constitution we are about forming be considered as a *commission* under which the general government shall act, and as such it will be the guardian of the State rights." A fair consideration of the recorded proceedings of that body shows that this was its preponderating wish and purpose, to preserve and perpetuate the State sovereignties; and, as felicitously expressed by Mr. King, to "Commission" an Agent in common of the various States, for certain specified general objects of interest to all, and not inconsistent with the rights of any. And to support the same view the proceedings in the convention of Virginia, on the adoption of the Constitution, might be referred to. For when Patrick Henry challenged its acceptance, because of his fear that it might endanger the sovereignty of the States, Jefferson, Madison, Lee, and others, responded that his apprehensions were groundless, that by the adoption of the Constitution, the State would *not surrender or give up any power whatever; it had only delegated powers*, which it would have a *right to resume*, whenever the Federal Government became destructive of the ends for which it was established. Mr. Jefferson remarked that "States can wholly withdraw their delegated powers." It was because of the fears on this subject of such sterling patriots as Patrick Henry, that the amendment to the Constitution above quoted, in reference to the reserved powers of the States, was made.

An interesting part of the history of the Constitution is, that Massachusetts also, by her convention for the ratification or rejection of that compact, proposed that to "quiet the apprehension of many of the good people of this commonwealth, and more effectually guard against an *undue administration of the Federal Government*, the convention do therefore recommend that the following resolutions and provisions be introduced into the said Constitution: 1st. That it be *expressly declared* that all persons not expressly *delegated*

by the aforesaid Constitution, are reserved to the several States, to be by them exercised—and others of like import.

The designation "United States," implies *associated individuality*. If the name *State of America* had been proposed in the Constitution, it would doubtless have been rejected with unanimity. To such a conclusion we must come from the events attending its formation and adoption, which led to the express declaration that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained," in addition to that before quoted, declaring that "the powers not delegated, are reserved to the States." No one can acquaint himself with the history of that period without conceding the fact that the various States which by the Declaration of Independence had proclaimed that they "are, and of right ought to be, free and independent States," and which by the treaty of peace with Great Britain, were acknowledged "to be free, sovereign and independent States," could not by the provisions of the Constitution have intended or perpetuated an act of self-destruction; casting themselves, at the moment when ennobling realities were clustering around them, elated by the pride of separate existence and sovereignty, and with bright promises within reach, upon a sea of doubt and uncertainty, where others, as time might develop of antagonistic views and interests, might have power to determine their course and shape their destiny, without even the poor privilege being left of parting in peace though ruin might threaten to engulf them. It is not surprising that fanaticism should be blind to truth, and regardless of justice; and a knowledge of mankind teaches that self-interest often incapacitates persons for applying the plainest maxims of moral right; but it may well excite astonishment that men of fair sense and intelligence in the general affairs of life, and uninfluenced by any apparent unworthy purpose, should frequently fail to perceive, and be ruled by the principles of political equity and right which underlie the question of government. And that they should even be sometimes unreasonable and inconsistent enough to believe, or profess to believe, that others have been guilty of an extreme of folly which, even to meditate in their case, would call for the restraints of a lunatic asylum. This is the mildest commentary that can be made on the argument of the centralists, that the Union cannot contemplate its own destruction; while they imply that the sovereign States did provide for theirs—an implication which is sufficiently refuted by the authority of the great names to which reference has been already made, and the incorrectness of which is further shown by the letter of Washington to the Virginia convention in reference to the probable danger of reclaiming delegated powers, in which he says: "In resuming your sovereign powers," &c. The passage is singularly significant, for it grants both the *existence of sovereign powers*, and the *right of resumption of them*. No one will deny to Washington the proudest pre-eminence of patriotism in the annals of his country; it rested on unflinching virtue, and unchanging truth. There stands his testimony. Dare any one impeach it?

The history of the formation and adoption of the Constitution, and the correspondence of the leading men of that epoch, engaged in its preparation and establishment, refer to the great apprehensions of many able and patriotic contemporaries of conflict of sovereignty between the State and General Governments, resulting eventually in the absorption of State powers, and a permanent central domination; and the experience of their posterity has shown that those apprehensions were not groundless. The frequency and danger of these encroachments, direct and indirect, upon the rights of the States, has become so great as to make it necessary in the judgment of some of them to consider the means of arresting the evil. The article of the Con-

stitution providing for its amendment, would naturally suggest itself to those complaining, either of its infractions, or defects, as being designed to afford a remedy. Let us examine how far the expectation of the aggrieved, is likely to be gratified by this means. The article says, that "The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments." And further the amendments thus proposed must be "ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof" as may be proposed by Congress. This would put it in the power of two-thirds of Congress, or of a majority of a convention called by two-thirds of the State Legislatures—the proceedings to be ratified as above stated by a three-fourths vote—to destroy, in effect, if they should so will it, every vestige of State sovereignty, reserved right, and domestic institution, deemed at the time of the adoption of the Constitution sacred and inviolate. A given number of States can thus make such changes of the original compact, as may prove destructive of the interests of the rest, without hope of redress. Desperate indeed would be the fate of those, who, under an interpretation of political rights which affords no protection or relief outside of such a provision, have escaped from absolute rule, to become the victims of democratic despotism. Judge Story has recorded his deliberate opinion that "if there should be a corrupt coöperation of three-fourths of the States for permanent usurpation, the case is certainly irremediable under any known forms of the Constitution. The States may now, by a constitutional amendment, with few limitations, change the whole structure and powers of the Government, and thus legalize any present excess of power." For the justification of the oppressed, however, and those whose rights have been violated, he further says, "If there be any remedy at all for the minority in such cases, it is a remedy never provided for by human institutions. It is by a resort to the *ultimate right of all human beings in extreme cases to resist oppression, and to apply force against ruinous injustice.*" It may be, as we often hear it flippantly said, that "our government is republican in its form, and the majority have a right to rule." The noisiest bells have the least silver in them—so windy wranglers have but little brains; were it otherwise, they would know that, in their upper house of Congress, the little States of Rhode Island and Delaware, with their *thousands* of people only, have the *same number of Senators* as New York and Pennsylvania, with their millions; and that the present President was elected by a *minority of the people* of the United States. And further, that if the delegates of the larger States had insisted in the Constitutional Convention on the rule of a popular majority, there never would have been a Union of States. It is a sad experience of good citizenship, that those whose tongues are ever busiest in proclaiming the rights of the people, are also those who in practice manifest the least regard for them. Those who have witnessed the ruffianism of popular elections in the large cities of America, the "plug-ugly-ism of Native Americans," as it is now denominated, both at home and abroad, cannot fail to recall the outrages on free suffrage, and the brutal assaults on those who attempted to exercise it, within even the professed sanctuary of the voting "Precincts," by the demoniac advocates of American exclusiveness. American liberty, and American institutions, wrapped in the American flag and sheltered by its protecting folds; countenanced by the smiles of a self-complacent respectable partizanship, too cowardly to dare, too bitter to forgive; and encouraged by the active approval and participation of a pharisaical street-corner sectarian religionism, whose hate could only be appeased by persecution; and whose piety recognized the bloody hand as the highest claim to sanctifi-

cation. Noisy pretension and loud profession cannot be relied on as the surest guarantees of liberty and law. Some have said, and among them may be those who are well-meaning and sincere in their convictions, that there is no danger of a consolidated government, a centralized despotism, and disregard of constitutional rights in our country; that an attempt at such usurpation of power would be promptly met by resistance, both of States and people. So, too, thought most of our forefathers. But if there had been no experience of earlier history to inculcate a different lesson, recent events have taught us the error of the opinion. True, the march of usurpation and tyranny has not been avowed, bold, fearless, and therefore majestic; but it has not been less steady and sure because its progress was tortuous and hidden, and because encroachments were directed by a wily and specious policy. If it be answered that these could not have taken place unless authorized by the compact of Union, the answer is sustained by the records of the time, and none more strongly than by the testimony of Washington himself; that great difficulty was realized by the constitutional convention in "drawing with precision the line between those rights which must be surrendered, and those which may be reserved;" that this "difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests;" that the result arrived at proceeded from "a spirit of amity, mutual deference, and concession, which the peculiarity of our political situation rendered indispensable," because in it was "involved our prosperity, felicity, safety, perhaps our national existence;" and hence "a share of liberty was given up to preserve the rest." It would be difficult to find in any letter of corresponding size more comprehensive information than is contained in that of Washington, from which the above passages are taken. We find therein set forth in brief, and, none can doubt, in truthful terms, the *difficulties* encountered by the convention engaged in the responsible duty of proposing a form of government for the United States; the *spirit* of amity, deference, and concession which animated it, and the *objects* to be secured—*prosperity, felicity, safety, and preservation of liberty*. Observe, not for the destruction or endangering of these great ends, but for their attainment was the Constitution proposed, and so paramount were they deemed to all others, that, as is further declared, this consideration "led each State in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected."

A very intelligent, able, and generally very fair English writer, A. I. B. Beresford Hope, Esq. has fallen into the error of saying, when speaking of the "ambiguous" character of the Constitution of the United States, that "it was made so purposely. A straight forward document drawn up in the sense in which the North seeks to construe it, would never have received the assent of those thirteen jealous States, who then hated and distrusted each other only a little less than they did England." Granting, as we must in candor, the correctness of Mr. Hope's opinion, that the Constitution never would have been adopted by the States, subject to the interpretation since sought to be placed upon it, yet must it be said that he is wrong in the extent of his supposed State "hatred and distrust of each other." On the contrary the reality of a common cause, danger, suffering, effort, object, and attainment, destroyed for a time any great sectional animosities, and contributed to allay proneness to independent colonial pride and jealousy, which was mainly felt by the smaller States from the manifestations of the larger to secure a power proportionate to their real or prospective population. And as to his remark that the Constitution was made *ambiguous purposely*, it is so inconsistent with the magnitude of the interests the States had at stake, and with the character for honor, truth,

justice, fair dealing, and manliness of the chief actors of the occasion, that we must suppose it to have been made unreflectingly. The truth is, that the sense of separate State freedom, sovereignty, and independence, as acknowledged by the treaty of peace with Great Britain, was so clear, that no one State questioned the power of another to do "all acts and things which independent States may of right do." And it was too manifestly the interest of all to form a Union, that they might if practicable "establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty," to themselves and posterity, to give cause for doubt of their disposition to enter upon the work in a sincere, earnest and honorable manner. In the fulfilment of so important a duty, difficult questions might reasonably be expected to arise, about which conflicting views would be entertained. This happened—there was no concealment of opinions on points of difference, the debates were marked with great earnestness, and disparity of views, and the result arrived at was publicly proclaimed by the President of the Convention to have proceeded from "mutual deference and concession." Further guards of personal liberty and State rights were immediately found necessary to allay the apprehensions of jealous parties, whose interests were involved, and those were promptly provided. It is reasonable to suppose that the men of that day would have preferred to avoid ambiguity, for with their work to be reviewed by a people whose jealousy on the subject of State rights was especially sensitive, there was too much danger that the whole object of the Constitution would be defeated by a detected scheme to deceive them, to barter away their undeniable privileges, or subject them to danger of controversy, and the assaults of aggressive authority. It may not be denied that the Constitution has defects, especially as considered in its application to the United States as they have presented themselves in recent history. But it should not be overlooked that we see these defects through media formed of late, and shaped by events the possible occurrence of which did not enter into the contemplation of the framers of the compact. The men of that day regarding the difficulties of effecting the adjustment which brought them together, and comprehending the true meaning and intention of their engagements, had no difficulty, so long as they managed the government, to cause it to perform its functions harmoniously and satisfactorily. It was the men of another day, who, considering themselves better and wiser than those who bequeathed them a free country and its countless blessings, and disregarding the purposes, examples and injunctions, of their predecessors, sought to give that government a new direction, and to make it perform offices for which it was not intended. It does not come within the scope of my purpose to examine into the nature of these irregularities, however momentous, as causes of the terrible catastrophe that has befallen our country; they are of secondary importance now, in the consideration of the effects of that catastrophe upon human freedom. A planet has been stricken from its orbit, and is wandering wildly about the sphere, jarring other harmonies, and endangering the great principle itself which should hold all in their appropriate place. What is to become of constitutional liberty in this war of political elements? That is the question in which we are now most immediately interested.

We behold a number of free, sovereign, and independent States entering into a league for purposes specified in their bond of association, and which are, as before stated, "to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." These were the objects of the agreement for which certain grants of power

were made—not surrendered by extinguishment of title—but delegated for the benefit of the parties conferring the grant. No one, I presume, will contradict the assertion, that but for such objects no union would have been entered into, and no concession whatever to control, in any degree, their interests, would have been made by any of the States. By every word of the preamble, the good, not the injury of the parties to it, is contemplated; and it cannot be denied that in providing the means to secure these ends, it was in contemplation that they could not, and would not, be used to their detriment. Granting these positions, it follows that imperfections of language, vagueness or generalities of expression, omission of ample provision for the enforcement of evident purpose, or other defects of form of agreement, resulting from a generous confidence, or from limited intelligence, should not have been taken advantage of by any of the parties, to impair the interests or assail the rights of others; but that, whenever doubt existed, an interpretation corresponding to the plain objects of the Constitution, should have ruled those entrusted with the administration of the general government, and have animated all who might have had an agency in their selection.

Some of the States believed, from a series of occurrences, both private and public, personal and official, factional and legislative, which they considered dangerous to their interests and rights, and against which they repeatedly remonstrated, protested, and petitioned, that it was the deliberate purpose of others of the States, if they should ever acquire the power, to destroy these rights and interests utterly. They long strove to avert the misfortune, but the time having at last arrived when, in their judgment, it became necessary for their safety to resume their delegated powers, they formally announced their separation from the Union, and proceeded to exercise the sovereign rights of which they were possessed, in accordance with the declaration of our revolutionary fathers that “governments derive their just powers from the consent of the governed; and that whenever any form of government becomes destructive of the ends for which it is established, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.”

The enactment of such a scene was of painful import to those who remained behind, as to those who went forth from the political connection. *Yet, as an exemplification of the American doctrine of government, proclaimed, vindicated and reaffirmed, year by year, by all public deeds, and in every form of imposing declaration that could reach the ear of nations,* that it is an inalienable right of “one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature’s God entitle them,” there was in the act, as presented to the contemplation of the true lover of liberty, a *moral grandeur*, to which the unfaltering purpose and unshrinking fearlessness of a State—sovereign and alone—solemnly affirming and consummating her right, *was in lofty keeping*.

The assertion, that no provision being made in the Constitution for separation, shows that it was not contemplated; that secession is therefore illegal, or, as the phrase goes, unconstitutional, and must be resisted by power, is worthy only of the special pleader, who is incapable of rising above the level of a county court trial table, its artificial rules and narrow technicalities, to the higher sphere of the statesman, whose mind is enlarged and strengthened by the contemplation of vast interests and the great principles of truth and justice, which underlie, and were intended to be, the foundation of the compact of union; whose soul is lifted above the malignity, trick, and meanness of

low personal strife and party manœuvre; whose virtuous sense of duty and lofty patriotism recognize no obligation to faction, no duties but of exalted station, no responsibility save that to a whole people, and no aspiration beyond the judgment: "Well done, good and faithful servant." It has been the misfortune, and too often the fault of the United States, that the high offices, for which statesmen alone are fitted, have been occupied by political demagogues who have crawled up by devious ways, and so polluted positions of honor and trust by faithlessness and corruption, that *high station* has now almost become synonymous with "*high crime*"—as to "*misdeemeanor*," that is the rule to which exceptions are rare.

Withdrawal of a sovereign State from the Union is declared to be unconstitutional; and adherence to the provisions of the Constitution is authoritatively proclaimed to be the obligation of duty, the proof of *loyalty*—for in these days of "Republicanism" the strongest phrase of monarchical *subject* allegiance has been deemed necessary. Then, what becomes of the title to "loyalty" and "sworn duty to the Constitution"—of those, who, to preserve the Union, *the creature*, have violated every declared object *but one*, and the *most important provisions of the Creator—the Constitution itself*? There is not within the Constitution any grant of power to the Executive department of the Government of the United States to declare war, or to make war, upon any State either in or out of the Union. Does it not come either of mental imbecility, or of a spirit of usurpation, gravely to predicate such an act, upon an official oath "preserve, protect, and defend the Constitution?" The claim of such a power under such an obligation, would justify any other exercise of arbitrary authority that executive recklessness or despotism might dictate. And yet, such was the instant act of the present aggressive Administration of the general government, while the oath of office requiring it to *protect* a Constitution conferring upon another department, and not upon it, that power, was yet warm upon its lip; and that act coupled too with another, equally unconstitutional, calling out a military force to effect its purpose, unauthorized by law.

But in this UNCONSTITUTIONAL mode of preserving, protecting, and defending the Constitution of the United States, by maintaining "a more perfect union," as it is expressed in the preamble of the compact, what becomes of the further duty devolved upon Executive power "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity?" Was it fulfilling the *solemn obligations of that official oath* to violate that "established justice" of equal rights, secured to every state by the sacrifices and sufferings of a common ancestry! Was it insuring "domestic tranquillity," to visit with war, bloodshed, devastation, famine, and servile insurrection, millions of free-born and high-spirited people! Was it providing for the "common defense," to attack a part with the fearful enginery of death! Was it *promoting* the "general welfare," to *destroy* it throughout twelve States, and to *overturn the foundations* of society and of industry, in many others? Was it *securing* the blessings of liberty "to ourselves and our posterity," to *strive to extinguish* it among eight millions of our own race, and to *endanger its perpetuity* among twenty millions more! These are questions, which, answered by the facts in the premises, strip the veil of affected integrity from the brazen face of wicked purpose, and expose the hideous features of a deliberate design, to strike down the most beneficent scheme of government ever devised by the wisdom of men, for the well-being of the race whose representatives they were, because it did not accord with the visionary theories of a wild and impracticable fanaticism, that has indeed "ruled in hell, rather than

serve in heaven." How else can we account for the after steps in the fierce plan of demolition? Is it necessary to refer to other proofs of disregard of official obligation? To the "words of promise kept to the ear and broken to the hope?" To the assaults on the Constitutional barriers raised for the protection of the citizen, and his rights? Where is that *writ of habeas corpus*, whose sanctity has for nearly two centuries, been a shield to the personal liberty of the Anglo-Saxon, and his descendants? Those who have been hitherto boastful of American institutions, and of personal security compatible with national power, and influence abroad, now blush and hide their shame, as the foreigner points to it, trodden under foot by presidential perfidy and usurpation, while the deed of damning disgrace was encouraged by approving shouts of demoniac partizans, who cast themselves before the wheels of the idol they elevated, to be crushed amid the horrible saturnalia he has inaugurated.

While I am engaged re-arranging these pages for the press, day by day the violations of the Constitution multiply so rapidly that one is apt to think that the whole instrument would be annulled by one dictatorial stroke of the pen, but for its use as a blind to the half-willing, half-hesitating dupes of despotism. The authority "to coin money" is shamelessly converted into a right to manufacture *ad libitum* thousands of millions of irredeemable paper currency, enforced as a "legal tender," to the unsettling of all values, as gauged by the recognized standard of nations, both of labor and its products, and of real estate.

The second section of the fourth article of the Constitution, requiring that "no person held to service or labor in a State shall be discharged from such service or labor, *but shall be delivered up on claim of the party to whom such service or labor may be due,*" is interpreted by many of the United States military authorities, occupying border States still maintaining their allegiance to the general Government, to mean, the *duty of decoying slaves from their lawful service*, and after using them during convenience for purposes of "military necessity" as servants and concubines, to forward them to the land of the "Puritan fathers" and of "steady habits," to be taught *equally virtuous* lessons of freedom.

In the "loyal" colony of Maryland—for since the extinction of all right of suffrage and free government by military rule within her borders, she has returned to her original condition of vassalage—whenever a servant elopes the military *arm of the seat of government* is stretched forth for protection, and the commandant at Washington gives a construction of *exemption from arrest*, to the constitutional injunction "shall be delivered up."

The third section of the same article of the Constitution declares that "no new State shall be formed or erected within the jurisdiction of any other State without the consent of the legislature of the State concerned." And yet the glaring disregard of the fundamental law is boldly presented by Congress and the President to the stupefied—and it would be no disparagement to say stultified—gaze of the public, of admitting into the Union a State thus formed out of a part of the transmontane territory of Virginia, under the surveillance of a United States military force, and that too in disregard of the published opinion of the Attorney General, the legal adviser of the Government, who counselled the minions of despotism against the act.

The fourth section of the same article provides that "the United States shall guarantee to every State of this Union a republican form of government," that is, a government of the people, or of representatives elected by the people. How this guarantee has been assured was illustrated in the State of Delaware by a military invasion, by command of government, which sought to overawe the election on which depended the

political opinions of its national and State representatives. The elections in Maryland, as you well know, have degenerated into a servile endorsement by a corrupt fragment of intolerant "Know-Nothings," of the *central government nominations, conducted under military supervision*. And we have not yet recovered from the astonishment excited by Major General Wool's imitation of the usurper Cromwell. That sanctimonious old hypocrite said, that the "good of the nation" required that the British Parliament should be dissolved, and stamping his foot for his soldiers to enter, exclaimed, "For shame, get you gone; give place to honest men." The American copyist, told the recusant Baltimore City Council who did not deem it compatible with their official oath, and certainly not with their humane sympathies, to appropriate municipal funds for purposes of sectional war, that "the public peace required that they should resign." It was not necessary to produce the bayonets; it was well known that the city was in military occupation. The Council comprehended the intimation, and having the fear of General Wool before their eyes, and following the example of Parliament, gave place, if not to "honest men," at least to those whose

"Candied tongues lick absurd pomp,
And crook the pregnant hinges of the knees
Where thrust may follow fawning."

Might we not profit by the great historian's lesson of wisdom, in connection with his description of Cromwell's unlawful proceedings? He says: "by recent as well as all ancient examples, it was become evident that illegal violence, with whatever pretence it may be covered, and whatever object it may pursue, must inevitably end at last in the arbitrary and despotic government of a single person."

And proud Kentucky, too, step-mother of him of eloquent renown, the generous advocate of Liberty, from whatsoever far-off land its appeal came forth, listens now in her capital to the echoes of a military tyrant's tread, where in happier days was heard naught but the flowing cadences of freedom, and the patriot's fearless denunciations of despotism and oppression. Let the name of General Q. A. Gilmore, who issued the infamous order, and of Colonel S. A. Gilbert, of the United States army, who dispersed by force, at Frankfort, a convention of peaceable citizens, assembled to exercise a constitutional right of nominating for election their State officers, go down to posterity as the ruffianly violators of the home of Henry Clay! There stands Kentucky, mourned by sister States, sprung from her noble loins. There she stands, like Niobe, all tears, crushed and dishonored

"In her voiceless woe;
An empty urn within her wither'd hands,
Whose holy dust was scattered long ago;
Her hero's tomb contains no ashes now;
The very sculptures there lie tenantless
Of their heroic dwellers; dost thou flow,
Ohio! past a verdant wilderness?
Rise with thy yellow waves, and mantle her distress!"

And wretched Missouri! Born in agony, swaddled with unconstitutional restrictions, living in consequent ceaseless misery, to linger a compromised existence, and probably perish of fraternal violation! What shall be said of the "guaranty" to her of a "republican form of government?" Why, that that provision of the Constitution has been construed by the Executive to mean to subject her to the tender mercies of a "black republican" *party discipline*! Let two Italian amateur philanthropists with whom I conversed, who came to America to aid the cause of universal liberty, received commissions in the United States army, served with Kansas and Iowa troops in an

invasion of the State of Missouri, witnessed and participated in the conduct of the war, and finally resigned "in disgust" to return to Europe, say what that means. The following is their testimony: "We had aided in freeing Italy from a foreign yoke, and came to America to help the cause of liberty. But we soon found that it was a war to enslave our own race, in violation of the principles of American independence, and also of the agreement on which the Union was formed. The essential element of liberty—the right of the people to elect without intimidation their representatives—was destroyed by the sword. We supposed, too, that the war would be conducted according to the well-established rules of civilized warfare, but we were horrified by the frequent cold-blooded murders—especially by the Kansas troops—of non-combatant citizens, and by the brutalities and inhumanities of the most revolting kinds, committed on women and children by them and by the German soldiery. Robbery was not deemed a disgrace, nor was it punished by military authority. Even the wearing apparel of women in many cases was taken from them, and sent by the soldiers to decorate their wives. We often thought that if the receivers had no more sense of decency than the thieves, that the American idea of justice and decency must fall very far short of the idealities of Italy. The hand of desolation was stretched out over the land, and it seemed as if some long sleeping volcano had suddenly burst forth; for the vast prairies we traversed were covered with ashes and smouldering ruins. We thought if this was the civilization of this country, that we could not coöperate with a clear conscience in subduing those who had not harmed us, and who might be a great deal better people than the ruffians of whom we had seen enough. So we resigned, and are now returning to Sardinia. And we must say, that the Austrian persecutions and cruelties, from which we once suffered, were mild and merciful, and the Austrian yoke easy to be borne, compared with those to which the people of Missouri are subjected." If it were not encroaching unwarrantably upon Executive privilege, of *course* it could not be violative of good taste, the expressive phraseology of an *Executive State document* might be borrowed, to say, that corroborative testimony on this head could be indefinitely "piled up." But it is better to listen to the statements of observing and fair-minded foreigners, who came with *facies* and returned with *facts*.

Let us consider other obligations of the Constitution, and the manner in which the oath of the President to "preserve, protect and defend" them has been fulfilled.

Article the First of the Amendment says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press," &c. In Baltimore, that city of America which has been noted for giving graves to its invaders and monuments to its defenders, and the metropolis of that State which *was the first to proclaim religious toleration*, a military tyrant by the name of Schenck, "dressed in a little brief authority, played the fantastic trick before high heaven," of draping, on a Sabbath morning, with the ensigns of war, a pulpit from which had been preached naught but the gospel of "peace and good will to man." And when the followers of the "meek and lowly Jesus," not resenting this invasion of their constitutional right of the "free exercise of religion," prayed that their persecutors might be forgiven, even as He did whose disciples they were, and sought afterwards to avoid cause of strife by worshipping their God elsewhere, they were followed into the by-ways by the minions of military despotism, and *forbidden the privilege of prayer unless they flaunted the banner of blood in the face of their profession of peace.*

Other cases of a similar character have occurred elsewhere, but the above shocked the sense of propriety of the immediate community, and I take it as one of the many examples of government violation of a constitutional right. Schenck was not rebuked by his superior, but still remains in command, like a plague spot on the body politic. And that, too, in *further violation* of the sixth section of the first article of the Constitution, which declares that "no person holding any office under the United States shall be a member of either House (of Congress) during his continuance in office," for Schenck was eight months since returned as a Black Republican member of the Thirty-eighth Congress, from Ohio, and on any day may be called on to dove-tail his civil and military functions in disregard of the fundamental law of the land—possibly as chairman of the committee on military affairs setting in judgment on his own previous abuses of military trust.

Hateful as have been the persecutors of religionism in all ages, modern civilization has affixed to such the brand of a special and enduring infamy. No matter what phase of pretended justification may be put forth to cover the deed, the christian's day of peace, and sanctuary of communion with his God, cannot be polluted by the invasion of violence without an eventual retribution on its authors. Victims there may be to-day, and the sufferings of martyrs, to gratify the vindictive passions of the intolerant and malevolent; but the punishment which will repay such tyranny, tardy though it may be, will surely come; if not with fire and sword, in that more fearful demoralization of society, in which an outward abandonment of real opinions but covers a cherished purpose of revenge; a constant and debasing hypocrisy unsettles the social organization; insincerity becomes the custom of life; a generally vitiated public feeling approves successful deceit; and the corrupted currents of life carry a moral pestilence into all personal and political relations. It is a terrible calamity for any country, or community, that its destinies are subject to the will of men whose ignorance, or petty malice, disqualify them from recognizing, and being restrained by the emphatic teachings of history.

As to the constitutional prohibition, in the same article, to abridge "the freedom of speech or of the press," the examples of violation of this great fundamental law by direct Executive instruction have become so numerous, and so variously modified, that European governments have ceased to maintain their claim to supremacy of tyranny over the human mind, and its customary modes of communication. Richelieu is made to exclaim by the dramatist, "The pen is mightier than the sword!" If the great statesman lived now he would have to change his opinion; for, while the sword has cleaved to the earth, and cast down the mightiest safeguards of American liberty, the pen is spurned by every churl; and whenever it dares to question the political sanctity of administrative power, those who wield it realize its feebleness in the gloom of the dungeon, and the hopelessness of prolonged imprisonment. The inviolability of the mail and the telegraph have ceased to be recognized, domestic treason is rewarded, the suppressed whisper of the street and the hotel are reported by the lurking detective, even the dumb colors of dress are made accusers, and any of these may meet a citizen at the police station, or the military provost marshal's office to consign him to a cell or a casemate, *in proof of the constitutional "freedom of speech and of the press."* It was once said by a South Carolina Senator, Mr. Hayne, distinguished as much by his generosity as by his gallantry and ability, when speaking of the former people of New England: "I fully subscribe to the truth of the description given before the revolution by one whose praise is the highest eulogy, that the perseverance of Holland, the activity of France, and the dex-

trous and firm sagacity of English enterprise, have been more than equalled by this recent people." Is it to this combination of inherited qualities, with the modern addenda of meanness and petty tyranny, that the *poisonous upas* of espionage and censorship, transplanted from the deserts of foreign despotism to the virgin soil of American liberty, has been made to flourish with such surpassing growth—that the whole land is slumbering in its fatal shade and breathing its atmosphere of death? "Freedom of speech and of the press!" Where are these rights of the American citizen which the President is sworn to "preserve, protect and defend?" Go ask the silenced printing presses, even of States, too blind or reckless to recognize their lost inheritance! They may not answer, for fear has taught them the necessity if not the virtue of submission to arbitrary rule. But their mute look will a tale unfold of dreadful import to him who yet clings to the memory of what his forefathers endured, and for what it was endured. If he should go to the Bastilles of New York and Boston, and there ask of the martyrs of free speech and a free press, they may reply, if their jailers be not near, that Executive power deemed it expedient to amend practically the *Article of the Constitution*, conferring upon the citizen freedom of speech and of the press, *without the tedious process prescribed by the fundamental laws of the land*; and that for a continued exercise of what they considered an inviolable right in resistance of arbitrary authority, the sanctity of their homes was invaded *in further violation of the Fourth Article of the Amendments* which guarantees the "right of the people to be secure in their persons, houses, &c." And they were torn from their homes and families at the midnight hour, and as some will say from the very seat of civil justice itself, by military ruffians, and dragged to distant dungeons, without the privilege of a hearing, and in disregard of all forms of law by which the rights of the citizens had been hitherto guarded. If, availing of the rare privilege of admission to the horrid precincts of these military prisons, the visitor, recognizing among the unfortunate inmates some friends of happier days, asks why they are there? Most of them will reply, "I know not." Supposing them ignorant of their lawful rights, they may be told that the *Fourth Article of the Amendments to the Constitution* shields the citizen against seizure and search, without the issue of a "warrant upon probable cause, supported by an oath." They will reply, "we were seized, and our persons, houses, papers and effects searched *by rude force*, not by the authority of a *civil warrant*, hence we know nothing of the charge against us." But they may be told that the *Fifth Article of the Amendments* guards the personal liberty and rights of the citizen by declaring, that "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury," and that, of course, if a capital or infamous criminal cannot be held without presentment, surely *they* cannot against whom *no crime* whatever has been charged. Their reply is, "here we are, nevertheless." But they are told that the hitherto unviolated, and supposed to be inviolable, writ of habeas corpus, which the Ninth Section of the First Article of the Constitution says "shall not be suspended"—except in cases which cannot apply to you of the far northern States—and which there is no constitutional power *in the Executive to suspend*, will liberate them, so that they may personally seek the interposition of justice. They answer, "our friends have tendered to the agents, and to the authors, of our arrest, any amount of bail that might be demanded, for our personal appearance when required. The offer has been treated with neglect, and sometimes the insolence of office has aggravated our injuries." But they are assured, that the laws delay, and the many

grievances of oppression of which they complain, are specially, and emphatically provided against, by *Article the Sixth of Amendments to the Constitution*, which reads, "In all criminal prosecutions, the accused shall enjoy the right to a *speedy and public trial*, by an impartial jury of the State and district *wherein the crime shall have been committed*, which district shall have been previously ascertained by law; and to be *informed of the nature and cause of the accusation*; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defence." To which they rejoin, "we have been dragged by force from our district and State to this distant prison, where we have lingered and been deprived of our accustomed comforts of life, and to the neglect of our families and the ruin of our business, *for more than a year*; we have petitioned in vain for information of the nature and cause of the accusation against us. Our solicitations to be confronted with our prosecutors have been disregarded, and our earnest appeals for a speedy and public trial have been unheeded. What must we infer but that there is a deliberate purpose on the part of the President to disregard the constitutional rights of the citizens; to tread the fundamental law of the land under foot whenever it comes in conflict with his will, and to hold nothing worth cherishing but the shadow of a Union, when the substance, the Constitution from which it sprang, has been utterly destroyed." Do you turn from this scene of cruelty—this proof of official perfidy, and inquire, why this comprehensive foreswearing of the President's duty to "preserve, protect, and defend the Constitution of the United States?" Learn the answer in two words! "Military necessity!" Do you ask farther, how the Executive can inflict the punishment of more than a year's imprisonment in an unaccustomed and severe climate, and under circumstances of peculiar suffering in many cases, upon persons who have been *neither charged, indicted nor tried for crime*; and in violation of the oath which demands an observance of *Article the Eighth of the Amendments*, which declares, that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted?" Hear again the answer! "Military necessity!" Do you refer to *Article the Ninth of the Amendments*, which says, "the enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people," and *Article the Tenth*, which provides that "all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively." And do you then ask the President, in view of the fact that the Constitution has not given to any department of the general Government any right to interfere with the subject of domestic slavery; and in view of the fact, that by the above Article it is expressly "reserved to the States respectively or to the people;" how he could violate his oath of office which requires him to preserve, protect, and defend this compact, by usurping a power over the institution of domestic slavery in the States, to the extent of emancipating more than three millions of negroes, thereby destroying, as far as it lay in his power, the entire social and industrial systems, and possibly the political relations of the races in the Slave States? Again hear with amazement at its effrontery; and indignation at the palpable perjury and usurpation, the answer! "Military necessity!" It comprises the reason, the rule, and we may add, the ruin; for the latter catastrophe is involved in a military dictatorship which overturns the principles of constitutional government, subordinates the States and the people to the will of an irresponsible central power, which was clothed by a subservient Congress in its final agony of fanaticism, with the endorsement of unlimited

control over the political, financial, and military powers of every State, and over the liberty of every citizen.

The doctrine of *coercion*, at all times the *dictate of tyranny*, no matter under what garb either of monarchy or republicanism it may appear, once being countenanced in but partial application, speedily arrogates the prerogative of unlimited rule. Concede to it the right, or justify by approval its usurpation of privilege to overleap one constitutional barrier, and it will take the license to crush all that may stand in its way. Such has been the lesson taught by its aggressions in all ages. And the difficulties encountered, the loss of blood and treasure, and the centuries of suffering consumed in bringing the rule of government back within the limits of safety to constitutional liberty—the shield of the citizen's rights—have been so great, that the passions of party and even the madness of fanaticism might well pause before risking the dangerous and perhaps fatal sacrifice, and inquire whether truth, justice, law, human right, and human welfare, would not be more surely promoted by other means than by the substitution of brutal violence, for God-like reason? Whether “the blessings of liberty to ourselves and our posterity,” contemplated by the great charter of American freedom, and expressly provided for by the wisdom of our forefathers, would not be made more secure by the spirit of peace, mutual concession of the rights of self-government, and the calm adjustments of compromise, of which they gave us the light of their great example, than by unloosing the demon of war, armed in the full panoply of destruction, to assail—not resist; to attack the inherent rights of others—not to defend its own! Once intoxicated by his own power, and profiting by

“Bloody instructions, which, being taught, return
To plague the inventor”—

that fell spirit may become no respecter of persons, and not even the laws proposed by wicked instigators for his guidance, may serve to stay his bloody path to impartial despotism—thus does

“Even-handed justice
Commend the ingredients of our poison'd chalice
To our own lips.”

In the name of what is all this violation of the Constitution perpetrated? Were it not that the soul is sickened by the frequent repetitions of the preposterous pretension, it would have transcended rational belief, that even the artifice and boldness of the demagogue would have pretended to do it all in the name of the “Union, the Flag, and the Constitution.” The *Union*, whose great object it was to secure “the blessings of *liberty* to ourselves and our posterity!” The *Flag*, which was adopted, and until now has ever floated as the emblem of a voluntary association, or Union of *freedom*—not a Union of *force*—on which every ancient stripe maintained its distinctness, every added star shed its separate light; the radiant teacher of what was designed to be an everlasting truth. And which would have remained so, but that American Abolitionists pronounced it a “flaunting lie,” and thus have striven to prove it. And the *Constitution*, scarcely a vestige of which has been shown to be left undefiled by the hands of Executive violation. He who would, five years since, have predicted such an exhibition of official impudence, would have been pronounced a fool. Yet daring as is the effrontery of the imposture, a whole people stand by paralyzed by fear, duped by deceit, deluded by calculations of interest, or frenzied by partizan passion, and endorse, by silence or sanction, deeds destructive of man's right of self-government, of the funda-

mental laws of the land and of that great bond of nature which should teach even vaulting ambition, that with a kinsman

"He should against the murderer shut the door,
Not bear the knife himself."

And what, it may now be asked, is the crime of the Southern States of America, on whom the terrible vengeance of war to the extent of subjugation or extermination is being waged by their kinsmen of the North, even at the cost of such fearful sacrifices? Ponder well the answer, and apply the unchanging principles it involves to the dreadful issue we are contemplating, as becomes Americans; who have at all former times, undeviatingly maintained man's right of self-government, and given him the willing word of encouragement, wherever he may have asserted that prerogative, whether in Greece or Italy; in France, Hungary, or Poland; in Mexico, or Central America; in Columbia, Peru, or Chile; and last, not least, in that strangely fated State of Texas, doomed to a second struggle for freedom; though now *assailed* by the same people who once generously asserted for her the claim *against oppressors*, they seem at present to consider it no disgrace to imitate.

What was the crime of these Southern States justifying in the opinion of the Imperialists, the fearful penalty of war? The dissolution of their political connection with other States. The withdrawal from an association, *by virtue of the same inherent sovereign power which enabled them to enter into it*. That is the head and front of the offence. The right of withdrawal is denied by the supporters of an Imperial centralization of power; and the *bond* of Union, and that alone is produced to prove the loss of title to withdraw.

Looking merely at that instrument, for the present, what do we find? That certain *limited powers were delegated* by "free sovereign and independent States," for specified purposes of mutual good, and that *all others were reserved*. The *greatest of all powers* growing out of the *highest of all duties, is that of self-preservation*. It is not pretended that it was surrendered by the restricted grant. To have done so would have been an act of self-immolation, evidently not designed, as shown by the *emphatic annunciation of reserved powers*. It is therein that the several States find their safeguard, when their rights are wantonly attacked by aggressive central power; their domestic welfare threatened with ruin, reserved powers invaded, unalienated sovereignty assailed, and of consequence their independent existence endangered, by the encroachment and usurpation of the agents of a restricted trust. The *Imperialists*—for there are such advocates of unlimited supreme power in republics, as well as in empires—say, that in such cases, the redress of grievance must be sought in the Supreme Court of the United States. This comes with an ill grace from those who, with unrestrained insolence, contemned its authority, and invalidated its decisions; and the inaugural message of whose single President, was an assault upon its ancient precedents, which culminated in the barefaced perjury of disregarding its never-before violated writ of habeas corpus. We do not follow their scandalous example of contempt for that august tribunal, when we answer, that the judicial authority of that Court does not reach the case of sovereignty contemplated. Its prerogative is declared in the Constitution to "extend to all cases arising under the Constitution, the laws of the United States, and the treaties made under their authority, ity, and to *controversies* to which the United States shall be a party." But the preposterous assumption, that *other* nations, parties to "treaties" and "*controversies*" with the United States, in virtue of their Constitution and laws,

would be bound by the decisions of the Supreme Court of the United States, would be instantly rejected by common sense. For the simple reason, that *their own sovereignty* cannot admit, without derogation of inherent right, and danger to its perpetuation, an arbiter in another power. It determines for itself the act of grievance, as well as the remedy. In the matter of *sovereignty*, and its *preservation*, the *States are in the same condition*. They have never parted with it, nor can such alienation be shown either by the letter, or the spirit, of the written bond of association. Originally asserting their freedom and independence, these were eventually conceded by definitive treaty with Great Britain, in which each State was acknowledged to be "free, sovereign, and independent." Each State proceeded to exercise its sovereign powers, not by a general surrender, fusion, and consolidation of these into one, *but by certain stipulations of alliance for the reciprocal benefit of advantageous intercommunication, and external intercourse and relation*; each, however, retaining and exercising in its own sphere, its independent sovereign attributes of legislative, judicial, and executive functions; while the proof of its unrelinquished sovereignty, even in matters of an exterior, and common interest with others, has been shown *in its periodical re-nominations of delegates to perform that trust*.

We are informed by Luther Martin, one of the ablest and most patriotic of the members of the Convention which formed the Constitution, in his report of proceedings to the Legislature of the State of Maryland, that the propositions originally submitted to the Convention, were debated, altered, and finally reported by the Committee of the Whole House by a small majority, embracing among other resolutions the following: "That it is the opinion of this Committee, that a National Government ought to be established, consisting of a supreme Legislature, Judiciary and Executive."

Mr. Martin further informs us that in the Convention were "three parties of different sentiments and views. One, whose object and wish it was to abolish and annihilate all State Governments, and to bring forward one General Government over this extensive continent of a *monarchical nature*. A second party was not for the abolition of the State Governments, nor for the introduction of a monarchical government under any form, but they wished to establish such a system as would give *their own States undue influence and power in the government over the other States*. A third party was truly federal and republican, and for proceedings on terms of *federal equality*." He likewise states that "the favorers of Monarchy, and those who wished the total abolition of the State Governments, well knowing that a government founded on truly federal principles, the basis of which were the thirteen State Governments preserved in full force and energy, would be destructive of their views, and knowing they were too weak in numbers openly to bring forward their system; conscious also, that the people of America would reject it if proposed to them, joined their interest with that party who wished a system giving particular States the power and influence over the others, procuring in return mutual sacrifices from them, in giving the government great and undefined powers as to its legislative and executive, well knowing that by departing from a federal system, they paved the way for their favorite object, *the destruction of the State Governments and the introduction of Monarchy*." Nevertheless, in the face of this formidable combination of monarchists, and the selfish, we learn from the "secret proceedings and debates of the Convention" by Chief Justice Yates, and Chancellor Lansing of New York—members of that Convention—that, that body responded to the opinion of Mr. Patterson of New Jersey, who said, "*We are met here as the deputies of thirteen independ-*

ent sovereign States for federal purposes. Can we consolidate their sovereignty and form one nation, and annihilate the sovereignties, of our own States, who have sent us here for other purposes !” And that of Mr. Lansing of New York, who said “ I am clearly of opinion, that I am not authorized to accede to a system which will annihilate the State Government.” And in acting upon the resolution above quoted, on motion of Judge Ellsworth of Connecticut, “ expunged the word *national*, and placed in the room of it, *government of the United States*, which was agreed to *nem con.*” This was in strict accordance with the objects of the Convention. The credentials of its members showed clearly, that these were to revise the Articles of the Confederation already formed, *not to form a National Government.* “ What have the people said ? We find the Confederation defective. Go and give additional powers to the Confederation, give to it the imposts, regulation of trade, power to collect the taxes, and the means to discharge our foreign and domestic debts ! *As their ambassadors*, can we not clearly grant these powers ? why then, when we are met, must entire, distinct, and new ground be taken, *and a government, of which the people had no idea*, be instituted !” It will be remembered that the Second Article of Confederation declared that “ each State retains its sovereignty, freedom and independence,” a reservation of title which the monarchical party was especially solicitous to extinguish, but this would have been a dangerous concession in the estimation of the genuine patriots of that day, who, with Judge Ellsworth, “ wanted domestic happiness” as well as general security. “ A general government,” said that wise man, “ will never grant me this, as it cannot know my wants, or relieve my distress. My State is only as one out of thirteen. Can they, the General Government, gratify my wish ? My happiness depends as much on the existence of my State Government, *as a new born infant depends upon its mother for nourishment.*”

The idea of State sovereignty has never been lost sight of by those who have had intelligence enough to comprehend the system of government of the United States, and sufficient patriotism to desire to perpetuate its blessings to the whole country, from the epoch of its assertion, 1776, through all the vicissitudes of its progress, down to the advent of Republican Imperialism in 1861. Nor could it have consented to make an aggressive party the judge of its own act of wrong, to submit a question involving its own existence to the arbitrament of its assailant, without parting with its power of self-preservation. Further, the *express reservation* in the articles of association of all beyond the limited delegation of powers to be used for its benefit—not for its injury, let it be borne in mind—shows conclusively the jealous watchfulness of State sovereignty, and the studious care with which it designed to retain the power to guard its safety. If all this were not manifest from a rational interpretation of the Constitution, it might be made evident by the collateral history of its formation, by the subsequently expressed opinions of the leading authors of the Federal Government, and by the declarations of enlightened statesmen since, whose ability and patriotism have been universally acknowledged. Let us recall a few of these :

In 1798 the General Assembly of Virginia, considering that certain acts of the General Government were in violation of the Constitution of the United States, adopted the following among other resolutions, to wit : “ The General Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact ; and that in case of a deliberate,

palpable and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them."

The subject to which the above resolution refers, came up again for consideration in the same General Assembly at the session of 1799, 1800; on which occasion the celebrated report, familiarly known as Mr. Madison's, and expressing that great statesman's opinions, was adopted. In that report is contained the following declaration: "It appears to your Committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges in the last resort, whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. It adds to the stability and dignity of, as well as to the authority of the Constitution, that it rests upon this legitimate and solid foundation. The States, then, being the parties to the Constitutional compact, and in their sovereign capacity, it follows of necessity, that there can be no tribunal above their authority to decide in the last resort, whether the compact made by them be violated, and consequently that, as the parties to it, they must themselves decide in the last resort such questions as may be of sufficient magnitude to require their interposition." And contemplating the resolutions of 1798, Mr. Madison's report adds farther: "From this view of the resolution it would seem inconceivable that it can incur any just disapprobation from those who, laying aside all momentary impressions, and recollecting the genuine source and object of the Federal Constitution, shall candidly and accurately interpret the meaning of the General Assembly. If the deliberate exercise of dangerous powers palpably withheld by the Constitution, could not justify the parties to it in interposing even so far as to arrest the progress of the evil, and thereby to preserve the Constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power and a direct subversion of the rights specified or recognized under all the State Constitutions, as well as a plain denial of the fundamental principles on which our independence itself was declared." Kentucky responded to the Virginia Resolutions of 1798, by the adoption of others well known to have been penned by the author of the Declaration of American Independence. In one of these, before quoted, Mr. Jefferson says: "The Government, created by the compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution the measure of its powers; but that as in all cases of compact among parties having no common judge, each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress." In the protest prepared by Mr. Jefferson for the Legislature of Virginia, in 1825, in respect to what were considered unwarrantably exercised powers by the Federal Government, he thus expresses himself—the acts complained of are "usurpations of the powers retained by the States, mere interpolations into the compact, and direct infractions of it;" and reasserting the principles of the Virginia Resolutions of 1798, protests against "these acts of the Federal branch of the Government as null and void," and declares that, "although Virginia would consider a dissolution of the Union as among the greatest calamities that could befall it, yet it is not the greatest. *There is one yet*

greater—submission to a government of unlimited powers. It is only when the hope of this shall become absolutely desperate, that further forbearance could not be indulged."

And in a letter written to Mr. Giles about the same time, he says—"we must have patience and long endurance with our brethren, and separate from our companions only when the sole alternatives left are a dissolution of our union with them, or submission to a government without limitation of power, *Between these two evils, when we must make a choice, there can be no hesitation.*"

And what said Massachusetts in a memorial of her leading citizens, adopted in Faneuil Hall, January 25th, 1809, in reference to this same right of self-protection from the operation of unconstitutional acts! With an equal confidence in State sovereignty, they declared that "they look only to the State legislature, who were competent to devise relief against the unconstitutional acts of the General Government. That your power (they add) is adequate to that object, is evident from the organization of the confederacy." The following extract from Bradford's History of Massachusetts, will show also where that state once stood in this respect, and what was the opinion of the celebrated Fisher Ames, who was a member of the convention that ratified the Constitution, and who subsequently represented Boston and the surrounding districts in Congress during the whole period of Washington's administration. "No objection to the Constitution was more powerful than that arising from a tendency to a consolidation of States." "This," said Mr. Ames, "was an effect which all good men would deprecate. The State Governments he said, 'were essential parts of the system. The Senators represented the sovereignty of the States; in the other House the whole people were represented. If the Senators were chosen by the people as the Representatives were, a consolidation of State Governments would ensue; which, it is conceded, would subvert the new Constitution. Too much provision cannot be made against consolidation. The State Governments are the safeguards and ornaments of the Federal Constitution. They will protract the period of our liberties; they will afford a shelter against the abuse of power, and will be the natural avengers of our violated rights.' Although extensive power was vested in the General Government, of which the Constitution was to be the foundation, and although it was purposely designed to give authority to a Federal legislature for the welfare of the United States that the new Constitution had been formed, still it was believed by *all*, that no power was to be claimed by the national government except such as was expressly given; and that all besides was reserved to the individual States and to the people. Had it been supposed that authority would be exercised, founded only upon construction or influence, it is probable the Constitution would not have been adopted by a majority of the States."

One of the most distinguished of New England's Senators (Mr. Hillhouse) declared, too, in the Senate of the United States, in a speech on the bill for enforcing the embargo which preceded the war of 1812 with Great Britain—"I feel myself bound in conscience to declare, (lest the blood of those who shall fall in the execution of this measure shall be on my head,) that I consider this to be an act containing unconstitutional provisions, to which the people are not bound to submit, and to which, in my opinion, they will not submit."

And Josiah Quincy, an able and honored member from Massachusetts, than whom no one could have more truly and faithfully represented the opinions and feelings of that State, declared on the floor of Congress, in the discussion of the bill to admit Louisiana into the Union, "If this bill passes, it is my

deliberate opinion that it is virtually a dissolution of the Union; that it will free the States from their moral obligation; and as it will be *the right of all*, so it will be the duty of some, to prepare for a *separation, amicably if they can, violently if they must.*" And further—in 1843—when the question of the annexation of Texas was before the country, *the Legislature of Massachusetts* passed the following resolutions, viz.:

"*Resolved*, That the annexation of Texas is *ipso facto*, a dissolution of the Union."

"*Resolved*, That Texas being annexed, Massachusetts is out of the Union."

Not deterred by this assertion of right by the leading New England State, the regularly constituted authorities of the remaining States proceeded to annex Texas. Massachusetts, by the unrepealed Act of her Legislature, was thus a seceded State. Her former associates, not denying her sovereign rights, willingly permitted her withdrawal, and when wiser counsels prevailed among her people, threw no impediments of taunt or threat in the way of reconciliation and peaceful relations. Should not that State, the recipient of such great consideration and forbearance, have been the first to advise the exercise of a generous spirit of conciliation, if not justice, instead of instigating a fierce war upon "erring sisters," who but imitated her example in declaring their withdrawal from the Union?

Washington, on counseling Virginia on the proposition of "*resuming* her sovereign rights," admitted the power to do so. Jefferson, on another occasion, said explicitly, "States can wholly withdraw their delegated powers." Alexander Hamilton, one among the ablest statesmen of the Revolutionary epoch, and regarded as the firmest and most eloquent advocate of a strong central government, declared, with remarkable emphasis, on this subject—"The rule that *all authorities of which the States are explicitly divested in favor of the Union, remain with them in full vigor*, is not only a theoretical consequence of that division, *but is clearly admitted by the whole tenor of the instrument* which contains the articles of the Constitution. It may safely be received as an axiom in our political system, that the State Governments will, in all possible contingencies, afford complete security against invasions of the public liberty by national authority. In a confederacy, the people, without exaggeration, may be said to be entirely masters of their own fate."

And the leading constitutional lawyer of New England, Daniel Webster, at a later day, in discussing the doctrine of Mr. Madison's Virginia resolution, said: "What does the Declaration purport? Does it mean no more than that there may be extreme cases in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much, in the theory, and practice, too, of the English constitution. We, sir, do not deny that the people may, if they choose, throw off any government, when it becomes oppressive and intolerable, and erect a better in its stead. We all know that *civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence they may be changed.*"

This throwing off of a government inimical to their security and happiness by a people, requires no stipulations for its rightful exercise, as has been fully shown by the opinions of the ablest American statesmen, already referred to. If such needed the support of one of the most distinguished jurists of this country, it could be given in the language of Judge Joseph Story, who, in his commentaries on the Constitution of the United States, says, "It would, indeed, be an extraordinary use of language to consider a declaration of rights,

in a constitution, and especially of rights, which it proclaims to be unalienable and indefeasible," to be a matter of *contract*, and resting on such a basis, rather than a *solemn recognition and admission of those rights, arising from the law of nature, and the gift of Providence, and incapable of being transferred or surrendered.*" Is it necessary to produce other authority in support of the rights of the States ! If so, a startling mass of testimony might be produced from among those who are now the most clamorous advocates of an inviolable Union. But the citation of *such* witnesses would be a desecration of the memories of those whose names have already been referred to in this connection. We hope, however, it may not be considered too great a derogation from the dignity of the subject, to refer to Senator Seward's opinion of the *inviolability* of the *Constitution*, the *creator of the Union*, which his oft-repeated oaths to support as the supreme law it would be difficult to number. That somewhat prominent person said, in one of his remarkable speeches : "The Constitution regulates our stewardship ; the Constitution devotes the domain to Union, to justice, to welfare, and to liberty. *But there is a higher law than the Constitution*, which regulates our authority over the domain and devotes it to the same noble purposes."

If any one could have a doubt of the meaning of Mr. Seward's artistic phraseology, covering as studied a purpose, they may be enlightened by his frequent participation in the presentation of prayers from sanctimonious Northern people *for a dissolution of the Union*. The interest thrown around one of these, by a really great name connected with the occasion of its being offered, will justify its being recalled to memory. I quote from the record. "On the 1st of February, 1850, petitions praying a dissolution of the Union were presented in the Senate by Mr. Hale, of New Hampshire.

Mr. Webster, of Massachusetts, suggested that there should have been a preamble to the petitions in these words :

"Gentlemen members of Congress, Whereas at the commencement of the Session, you and each of you took your solemn oaths in the presence of God and on the holy Evangelists, that you would support the Constitution of the United States ; now, therefore, we pray you to take immediate steps to break up the Union and overthrow the Constitution of the United States as soon as you can ; and in duty bound we will ever pray."

But *three* Senators voted for the reception of the petitions, viz. :

Messrs. *Chase, Hale and Seward.*"

All Northern Senators, it will be observed, whose acts then, show the hypocrisy of their present professions of regard for the Constitution and the Union ; and the indefensible character of a war unprecedented for wide-spread calamity, of which they were chief instigators, and are the most relentless prosecutors. While the Southern States always consistently maintaining their right to revoke their delegated powers and fall back on reserved sovereignty if needful to their security, were yet seen presenting a united disapproval of proceedings calculated to disturb the harmony of the political association, and not taking definitive action demanded by considerations of their safety, until all efforts for the promotion of justice and harmony were exhausted. When the *temblor* of the political earthquake was felt beneath their feet, and the pillars of the Constitution were riven, then, and not until then, did they seek to escape the "*irrepressible*" ruin, long threatened, and about to overtake them. The compact entered into by their fathers guaranteed to them the management of their domestic affairs in their own way, and the continuance of the States, *part free and part slave, as they might determine*. The President elect had declared that this could no longer be—"that

this country must be all free, or all slave." Not doubting his sincerity of purpose, aware of the formidable power he might wield to make good his declaration, considering it violative of the original agreement, and incompatible with their safety to remain longer in the league, and desiring to retain, untrammelled by uncertain or inimical political relations, the disposition of their own destiny as sovereign States, some of these determined to "dissolve the political bands which connected them with others," in accordance *with their prescriptive right under their great Charter of Liberty*—the Declaration of Independence—and to "institute a new government in such form as to them should seem most likely to effect their safety and happiness."

That the anticipations of evil from a pro-forma Federal Union, when the spirit which had animated it was dead, were not erroneous, have been so far confirmed by the progress of events as to place all question of their correctness beyond controversy, and to give to the predictions of Southern statesmen the accuracy of prophecy. Indeed, the barriers of the Constitution, both with regard to the rights of the States and the rights of the citizen, even to the safeguards of personal liberty, have been entirely stricken down by arbitrary power, and the whole country has truly assumed one of the conditions designated by the President in his laconic declaration of war on the Constitution, and, humiliating as it may be to a once free American to acknowledge it, *has become* "all slave!"

The policy of *coercion*, the very intimation of which caused Mr. Mason, of Virginia, in the Constitutional Convention of 1787, to spring to his feet and exclaim indignantly: "What, would you use military force to compel the observance of a social compact?"—but now adopted by this Administration for the nominal maintenance of the Federal Union; the wisdom of which was reprobated by some who earnestly desired its fraternal perpetuation, as not adapted to a government founded on compromise, and at variance with the habits of thought and action of a free people, yet sustained by many in the Northern States of uncompromising prejudices and arbitrary impulses; is indeed proving the ingredient of a poisoned chalice commended to their own lips by the hireling tools of a despotic master. Remembering that this was once the "land of the free," and contemplating its present debasement, in some of the States, to the utter loss of all civil and political rights, we may well exclaim:

"Spirit of Freedom! When on Phyle's brow
Taou sat 'st with Thracubulus and his train,
Couldst thou forbode the dismal hour which now
Dims the green beauties of this proud domain?
No foreign tyrant now doth weld thy chain,
But every carle can lord it over thee.
What, shall reviving Thralldom again be
The patch'd up idol of enlightened days?
Shall ye who struck the Lion down, shall ye
Pay the wolf homage? Proffering lowly gaze
And servile knees to tools? *Your sires would spurn your praise!*"

The war of brute force upon the declared freedom, sovereignty and independence of States, is a war upon the spirit of 1688 and 1776; upon the spirit of the Constitution, and upon the declared intentions and oft-repeated interpretations of its eminent framers. Its substitution for reason is also a fatal step backwards in the science of government. Mr. Madison declared that "a Union of States containing such an ingredient as *force*, seemed to provide for its own destruction," and that "any government for the United States, formed on the supposed practicability of *using force* against even the unconstitutional proceedings of the States, would prove visionary and fallacious."

Mr. Hamilton, one of the ablest of America's great era of statesman, said, "to *corree* the States, is one of the *maddest projects that was ever devised*. Can any reasonable man be well disposed towards a government which makes war and carnage the only means of supporting itself?" Daniel Webster, at a time when the hands of the Union were strained to their utmost tension, exclaimed: "Sir, for one, I protest in advance against such (military) remedies, as I have heard hinted. With a constitutional and efficient head of the Government, with an Administration really and truly, in favor of the Constitution, the country can grapple with nullification. By the force of reason, by the progress of enlightened opinion, by the natural genuine patriotism of the country, and by the steady and well-sustained operations of law, the progress of disorganization may be successfully checked, and the Union maintained;" Well would it have been for the destinies of America, if such wisdom ruled the counsels of this country in our day! If Stephen A. Douglas' warning voice had been listened to when he declared in the Senate of the United States, "*War is Disunion!*" If those in whose hands is reposed the responsible trust of administering the government of a great people, and involving the destinies of untold millions, appreciated the solemn truths, that war is the greatest evil known to mankind, the one from which the most suffering has come next to religious persecution; that while *offensive* wars are recognized as *unjust*, those of *defense* are deemed *just*, and whatever reverse may attend them for a time, *in the end prove successful*; and that, as applied to the present controversy, *coercion is a practical repudiation, before the world, of the hitherto proudly promulgated American axioms* that, "governments derive their just powers from the consent of the governed, and that it is the right of the people to alter and abolish, and to institute new government." With this demonstrative violation of the doctrine of self-government, seen by all, the affectation by the supporters of the American war of deep concern for the cause of human freedom and constitutional liberty, and their spread through other lands, is too palpable and ludicrous to impose upon even the familiar dupes of tyranny; and in the eyes of victims of foreign oppression doubtless appears a rather inhuman irony. A sincere sympathy with these certainly would inculcate a consistent adherence at home to the principles of free government loudly professed abroad.

Viewed from our present standpoint, we now behold on this continent the two political powers of *Republican Imperialism* rapidly verging to *Monarchical Imperialism*, and *State Confederation with reservation of Independence when threatened with danger, standing in hostile attitude to each other*. Every man within the limits of the former Union must face the question coming of this contemplation, and say upon which side he will range himself; and it is because of this responsibility that I have endeavored thus to ascertain my own duty, and to aid you in determining yours.

The whole history of government shows that the centralization of power is dangerous to the liberties of the citizen. And the records of Anglo-Saxonism especially illustrate the perpetual antagonism of the despotic and popular elements, and these curity of the latter, just in proportion to their preservation of local self-government. And on the other hand, it has been seen that, as power has been parted with by the many, and responsibility has ceased, the grasping hand of usurpation has speedily seized all, and wielded it to its own aggrandizement and perpetuation, and to the oppression of those from whom it was derived, and who become but the slavish registers of its will.

The grandeur and glare of national glory, as represented by the capacity of aggression and display of physical force, are an equivalent with some for the

loss of personal right, who fail to see that these become the means of greater degradation, and final slavery. But the true patriot, and sincere lover of liberty, can find nothing in the externals of national splendor, to repay him for his sense of personal humiliation and political debasement.

The history of the formation of the Federal Government of the United States shows plainly that it was the intention of its founders to guard against centralization; and yet within the first century from the completion of their work, we behold it being rapidly transformed into an Imperialism of more comprehensive might than any which has preceded it. For while it holds forth the gilded promise of freedom to delude the unwary, and make them the ready instruments of extending its influence, its steadily increasing dominion already spreading from ocean to ocean, will ere long, unless checked in its present assumptions, embrace the resources of a continent, and the force of a hundred millions of inhabitants.

Of the effect of this enormous concentration of power upon the future of European nationalities it is unnecessary to our purpose to speak. If England and France, particularly, possess the intelligent statesmanship for which they have of late enjoyed reputation, they will comprehend the problem now offered for their consideration, and the necessity that may hereafter be devolved upon them of conciliating the *one will* which may be empowered to determine its solution.

But we, of America, cannot contemplate this colossal power established upon the ruins of State rights; the firmly seated rule of usurpation which has, unchallenged, moved onward to a conceded dictatorship over the wreck of the Constitution; the bold defiance with which every legal restraint has been stricken down; the recklessness of responsibility; and the influence of such an example upon the future destiny of this country, with the agencies that may be wielded under such sanctions for the perpetuation of the wicked conspiracy against constitutional liberty; without feeling the solemn duty of resistance to the domination of Imperialism in America. No personal fate can be worse than that of arbitrary imprisonment, at the will of a master; no political degradation lower than that of disfranchisement; the former all live liable to at any moment, and witness daily in the case of others; the latter is already the doom of the people of some of the States, for in them the test oath and the bayonet, virtually cancel the freedom of suffrage.

The fate of a people subject to the arbitrary will of an unchanged ruler for a period of natural life, has been deemed by freemen a dire calamity. And yet a satiated tyranny, and wearied spirit of oppression, repleted craving of plunder, exhausted ambition, and enervated passion, may give them, from mere passiveness of despotism, a season of repose and exemption from evil. But far more dreadful must be the sufferings, and insupportable the burthens of those, who, *every four years*, shall be subject to the will of a *new master*, swaying an unused scepter over an almost limitless empire, and attended by a legion of famished cormorants to fatten upon public industry, and wrest even from impoverished millions their meager pittance of a life of toil. No local resistance, or even more general popular insurrection, could avail against such extended dominion of power, sustained by all the hireling appurtenances of enforcement. The magnitude of evil and the desperation of misery, as in the past they have, so in the future they may, drive such sufferers to seek their only relief in the fixed embrace of that unchanging monarchy whose more enlightened inculcations may teach the wisdom of justice, as well as the sweetness of mercy; and whose iron grasp, when felt, may sometimes weary of its hold, or learn from the afflictions of time—the common fate of mortality—the kindlier lesson of pity.

We cannot keep too prominently before us the manifest truth *that the present civil conflict is the struggle of the popular principle of government against an attempted enforcement of Imperialism.* Does any one doubt it? Let him behold the prostration of the civil rule by military power; the absorption of the substantial powers of the States by the General Government, leaving them a shadow with which to blind the ignorant and credulous; the substitution of an unlimited and tyrannical system of military conscription for the constitutionally provided State militia, thus usurping a power over the lives and fortunes of millions of citizens without the privilege of appeal to that domestic authority to which they have hitherto been taught to look for redress of grievances; the perversion, as before stated, of exclusive authority to "coin money and regulate the value thereof," to the unlawful purpose of flooding the country with a paper issue which, under a usurpation of power, is made to supplant actual representatives of value, while itself is rapidly becoming worthless; the enforcement upon the States of a violation of the Constitution, which, by the tenth section of the first article, *prohibits* them from making "anything but gold and silver coin a tender in payment of debts," by *compelling them to receive*, and consequently to *disburse*, a "legal tender," perishable alike in material and value; the *payment of its obligations in a depreciated paper currency*, while the *precious metals are exacted of many of its debtors by the General Government*, which, in this, exhibits an injustice and tyranny unprecedented in the history of despotism; the unexampled application of "stamp acts," words heretofore of hateful import to American freemen; the *detective* at your heels wherever you move, and the *dark lantern*, unknown to the halcyon days of the past, that now casts its burglar flash around your domestic sanctuary; the *passport*, that recognized writ of bondage, to be *viséd* by those tools of tyranny, the provost marshals, who persecute even old men, women, and children, of "loyal" border States, and dispense the privilege of *purchasing the necessaries of life* under the requirement of a prescribed oath of allegiance, with various specifications of menial tyranny *unknown to law and in violation of human right*; the restrictions on the free exercise of religion, the abridgment of the freedom of speech and of the press, and of the right of the people peaceably to assemble; the infringement of the constitutional right of the people to keep, and bear arms; *in truth, by the utter striking down of all the guarantees of the most valued rights of the citizen, especially as set forth in the twelve amendments of the Constitution, without which it never would have been the Constitution of the United States, we behold a bold and unflinching purpose to establish an Imperial Government.*

Contemplating such facts, no consistent lover of freedom can sustain, by word or deed, the attempt, under whatever pretence it may be made, of perverting the clear and well-defined purposes of the founders of the Republic. To do so, would be the *essence of treason*, and would indeed be "adhering to the enemies," of the United States, who in varied, cunning and covert ways, *have been the violators of the compact of Union*, and be "giving them aid and comfort."

Everywhere on the face of the broad earth, wherever they may be found, my sympathies are, and I trust yours will be, with the *defenders of Constitutional Liberty, State Rights and Federal, or what is the same thing, Confederate Nationality of limited general powers*, as opposed to *Republican or any other denomination of Imperialism, which seeks to concentrate within itself all the powers of numerous States, and the vast resources of a continental empire.* The establishment of such a power in America, *would extinguish all hope of a future destiny of freedom on any part of this Western Hemisphere.*

If the advocates in the Northern States, of independent State existence and government, of a league of States with a general government exercising delegated and strictly limited powers for the benefit of all, and of the constitutional liberty of the citizen, are incapable of preserving these unimpaired against the Imperialists—then, still true to the principles consecrated by the sufferings of our fathers, let us say—*God prosper those who uphold them, wherever they may be found, and by whatever name they may be called ! Better to stand the equal of a free Confederate, than to bow as a slave at the foot of an Imperialist. The principles of political freedom are immutable. What they were in the days of the American Revolution they still remain, and are entitled to the same devotion of patriotism !*

It would have been well for *those who have so wantonly and wickedly* violated the great charter of Independence, sealed by our fathers, and transmitted a priceless heritage to their children, if they had, in considering the subsequent and cancelled covenant, been reminded, like the accursed Shylock, by unswerving justice, that in the exaction of presumed forfeiture, the *letter of the bond* did give them “no drop of Christian blood”—and

“That indirectly and directly too
They had contrived against the very life
Of the defendant”—

thus incurring the penalty of confiscation of their own liberty, and the judgment of general condemnation by posterity.

